

SECOND REGULAR SESSION
[TRULY AGREED TO AND FINALLY PASSED]
HOUSE SUBSTITUTE NO. 2 FOR
HOUSE COMMITTEE SUBSTITUTE FOR
SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 596
89TH GENERAL ASSEMBLY
1998

L2263.13T

AN ACT

To repeal sections 252.043 and 578.009, RSMo 1994, relating to the treatment of animals, and to enact in lieu thereof five new sections relating to the same subject, with penalty provisions.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Sections 252.043 and 578.009, RSMo 1994, are repealed and five new sections enacted in lieu thereof, to be known as sections 252.043, 252.228, 252.244, 252.247 and 578.009, to read as follows:

252.043. The commission may suspend, revoke or deny a hunting permit or privilege for a maximum of five years when a person, while hunting, inflicts injury by firearm or other weapon to another person who is mistaken for game. No suspension, revocation or denial shall occur until an opportunity has been afforded for a hearing before the commission. Any person who is determined by the commission to have inflicted injury by firearm or other weapon shall be required to successfully complete a department-approved hunter safety course before his **or her** hunting permit or privilege shall be restored. The commission's proceeding shall be a contested case pursuant to chapter 536, RSMo, and any person aggrieved by a final decision shall be entitled to judicial review as provided in chapter 536, RSMo. **If there is a mitigating, exculpatory or other extenuating circumstance or circumstances in connection with the inflicted injury, in addition to the judicial review provided in chapter 536, RSMo, any time after the commission's ruling, an aggrieved person is entitled to review by the circuit court**

EXPLANATION--Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

in the county where the aggrieved person resides. If the court finds a sufficient mitigating, exculpatory or other extenuating circumstance or circumstances in connection with the inflicted injury, the court may modify the commission's suspension or revocation of the aggrieved person's hunting privileges.

252.228. 1. Individual hunting, fishing and trapping permit records maintained by the department of conservation, including address, telephone number, personal identifying characteristics, date of birth and unique identification numbers shall be available to:

- (1) Any court;**
- (2) Any law enforcement agency;**
- (3) The U.S. Fish and Wildlife Service or its successor agency as provided by federal regulation for migratory bird surveys;**
- (4) Any state department, division, agency, bureau, board, commission, employee or agent thereof in the performance of any statutory or constitutional duty;**
- (5) Any political subdivision;**
- (6) Any agency of another state; and**
- (7) The holder of the permit.**

2. Such information shall be inaccessible to all other persons when the holder of the permit has so requested in writing. Individual credit card numbers are closed records and shall not be released pursuant to sections 610.021, RSMo.

252.244. 1. Any political subdivision, elementary or secondary school, or any charitable, religious, fraternal or other not for profit organization may prepare or serve wild game, provided that there shall be no charge for the wild game served, in connection with:

- (1) The organization's meetings;**
- (2) A fund-raising event; or**
- (3) Meals provided to indigent persons free of charge or at a reduced rate.**

2. Except for venison donated or distributed pursuant to section 537.115, RSMo, an organization preparing or serving wild game shall visibly post at the entrance to the dining area a sign bearing the following message: "Public Notice: The wild game served at this facility has not been subject to state or federal inspection". The words of the message shall be written or printed in letters of not less than three-fourths of an inch high and three-fourths of an inch wide, and shall be readable.

3. Any individual or group of individuals may donate wild game, or collect and transport wild game to an organization pursuant to subsection 1 of this section, provided such wild game has been legally taken according to law and the rules and regulations relating to wildlife. Any wild game donated shall be accompanied by the name, address and phone number of the individual making such donation and shall be

affixed to the individual package or the container holding more than one package.

4. In accordance with the rules and regulations relating to wildlife, any wild game that is captured or killed to prevent private property damage may be donated to any charitable organization approved by the department of conservation. The department shall maintain a list of approved organizations and shall make the list available upon request.

5. For purposes of this section, "wild game" shall include, but not be limited to, bear, deer, elk, hares, moose, rabbits, fox squirrels, black and gray squirrels, muskrat and game birds, except migratory birds regulated by the federal government, as defined by the rules and regulations relating to wildlife.

252.247. 1. The conservation commission may enter into an interstate wildlife violators compact with any one or more states.

2. The commission may adopt such rules as are necessary for the implementation of the compact.

578.009. 1. A person is guilty of animal neglect when he has custody or ownership or both of an animal and fails to provide adequate care or adequate control, [including, but not limited to, knowingly abandoning an animal in any place without making provisions for its adequate care] which results in substantial harm to the animal.

2. A person is guilty of abandonment when he has knowingly abandoned an animal in any place without making provisions for its adequate care.

3. Animal neglect and abandonment is a class C misdemeanor upon first conviction and for each offense, punishable by imprisonment or a fine not to exceed five hundred dollars, or both, and a class B misdemeanor punishable by imprisonment or a fine not to exceed one thousand dollars, or both upon the second and all subsequent convictions. All fines and penalties for a first conviction of animal neglect or abandonment may be waived by the court provided that the person found guilty of animal neglect or abandonment shows that adequate, permanent remedies for the neglect or abandonment have been made. Reasonable costs incurred for the care and maintenance of neglected or abandoned animals may not be waived. This section shall not apply to the provisions of section 578.007.

4. In addition to any other penalty imposed by this section, the court may order a person found guilty of animal neglect or abandonment to pay all reasonable costs and expenses necessary for:

(1) The care and maintenance of neglected or abandoned animals within the person's custody or ownership;

(2) The disposal of any dead or diseased animals within the person's custody or ownership;

(3) The reduction of resulting organic debris affecting the immediate area of the neglect or abandonment; and

(4) The avoidance or minimization of any public health risks created by the neglect or abandonment of the animals.

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Unofficial

Bill

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